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February 11, 2022

***Via*** ECF

The Honorable Alvin K. Hellerstein  
United States District Judge  
Southern District of New York  
500 Pearl Street  
New York, New York 10007

Re: *United States v. Cliver Alcala Cordones*, 11 Cr. 205 (AKH)

Dear Judge Hellerstein:

We write to respectfully request that the Court reconsider its grant of the government's *ex parte* motion for a protective order pursuant to Section 4 of the Classified Information Procedures Act ("CIPA") and Rule 16(d)(1) of the Federal Rules of Criminal Procedure ("Section 4 Motion") until the defense has submitted its opposition to that motion.

By Order dated September 30, 2021, the Court set the deadline for the filing of the government's CIPA Section 4 Motion as December 1, 2021, and the deadline for the filing of any opposition by the defense as December 8, 2021. *See* ECF No. 54. On November 19, 2021, the Court granted the government's motion and adjourned the deadline for the filing of the government's Section 4 Motion to February 1, 2022, and the deadline for the filing of any opposition by the defense to February 8, 2022. *See* ECF No. 56. On January 28, 2022, the Court granted the government's motion and adjourned the deadline for the filing of the government's Section 4 Motion to February 8, 2022, and the deadline for the filing of any opposition by the defense to February 15, 2022. *See* ECF No. 72.

On February 8, 2022, the government submitted the Section 4 Motion to the Court. *See* ECF No. 76. The next day, on February 9, 2022, the Court granted the government's Section 4 Motion. *See* ECF No. 77.

We respectfully request that we be given an opportunity to respond prior to the Court granting the government's motion. This is consistent both with the Court's past orders in respect to deadlines surrounding the Section 4 Motion and the practice and procedure followed by courts in this Circuit in cases involving CIPA. *See, e. g., United States v. Liu*, 19-cr-804 (VEC), 2021

U.S. Dist. LEXIS 145121 (S.D.N.Y. July 8, 2021) (granting government's CIPA Section 4 motion approximately fourteen months after submission made to the Court by the government and eleven months after defendant submitted opposition to the Court).

Accordingly, we respectfully request that the Court reverse its decision to grant the Section 4 Motion and provide an opportunity for the defense to submit an opposition to the government's motion. We ask that the defense be given until Friday, February 18, 2022, in which to submit its response. The undersigned remains out of the office due to a family medical emergency since Sunday, February 6, 2022, and, thus, we require a few extra days in which to complete our response.

Respectfully submitted,

/s/

César de Castro  
Valerie A. Gotlib  
Adam S. Kaufmann  
Cristián Francos

cc: All Parties (*via* ECF)